

IMMIGRANT STUDENTS' RIGHTS TO ATTEND PUBLIC SCHOOL

The National Coalition of Advocates for Students (NCAS) has launched its annual *School Opening Alert* campaign to reaffirm the legal rights of all children who reside in the United States to attend public schools, regardless of immigration status. The fliers provided information for immigrant parents about the rights of their children to attend local public schools this fall. NCAS can also provide a camera-ready copy of the alert in English and Spanish to reproduced and distributed by schools and community groups. The copy of the alert below and on the following pages may be reproduced and used as well.

School Opening Alert

In 1982, the U.S. Supreme Court ruled in *Plyler vs. Doe* [457 U.S. 202 (1982)] that undocumented children and young adults have the same right to attend public and secondary schools as do U.S. citizens and permanent residents. Like other children. Undocumented students are required under state laws to attend school until they reach a legally mandated age.

- As a result of the *Plyler* ruling, public schools **may not**:
- deny admission to a student during initial enrollment or at any other time on the basis of undocumented status;
 - treat a student differently to determine residency;
 - engage in any practices to "chill" the right of access to school;
 - require students or parents to disclose or document their immigration status;
 - make inquiries of students or parents that may expose their undocumented status; or
 - require social security numbers from all students, as this may expose undocumented status.
 - Students without social security numbers should be assigned a number generated by the school. Adults without

social security numbers who are applying for a free lunch and/or breakfast program for a student need only state on the application that they do not have a social security number.

Recent changes in the F-1 (*student*) Visa Program **do not** change the *Plyler* rights of undocumented children. These changes apply only to students who apply for a student visa from outside the United States and are currently in the United States on a F-1 visa.

Also, the Family Education Rights and Privacy Act (FERPA) prohibits schools from providing any outside agency - **including the Immigration and Naturalization Service** - with any information from a child's school file that would expose the student's undocumented status without first getting permission from the student's parents. The only exception is if an agency gets a court order (subpoena) that parents can then challenge. Schools should note that even requesting such permission from parents might act to "chill" a student's *Plyler* rights.

Finally, school personnel - especially building principals and those involved with student intake activities - should be aware that they have no legal obligation to enforce U.S. immigration laws.

For more information or to report incidents of school exclusion or delay call:

Utah State Office of Utah
Education/Ed. Equity Section (801) 538-7640 - (English/Spanish)

NCAS	Nationwide	(800) 441-7192	(English/Spanish/French/German)
META	Nationwide	(617) 628-2226	(English/Spanish)
NY Immigration Hotline	Nationwide	(718) 899-4000	(English/Spanish/Chinese/French/Korean/Polish/Urdu/ Haitian Creole/Hindi/Japanese/Russian)
MALDEF - San Antonio	Southwest	(210) 224-5476	(English/Spanish)

Please copy and distribute this flier.

This flier is available in English, Spanish, Haitian Creole, and Hmong at 1-800-441-7192 or <http://www.ncasl.org/alert.htm>

SOURCE:

- National Coalition of Advocates for Students 100 Boylston St., Suite 737, Boston, MA 02116
- September 1999 4 IDRA Newsletter